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Counsel for Defendant Officer Jazmina Flanigan

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BONNIE LOPEZ, individually as sister and
Special Administrator for the Estate of
MELODY MORGAN, deceased; COLLEEN
LACKEY, individually as mother of
MELODY MORGAN, deceased,

Plaintiffs,

THE STATE OF NEVADA ex rel.
NEVADA DEPARTMENT OF
CORRECTIONS, WARDEN DWIGHT
NEVEN, individually; GARY PICCININI,
ASSISTANT WARDEN, individually;
BRYAN SHIELDS, individually; OFFICER
JOEL TYNING, individually; OFFICER
KARISSA CURRIER; OFFICER JAZMINA
FLANIGAN; NURSE JANE BALAO;
NURSE BRIGIDO BAYAWA; NURSE
LEILANI FLORES; NURSE ROSEMARY
MCCRARY; NURSE MA LITA
SASTRILLO; NURSE CHRIS SHIELDS;
DOES I through X; and ROE ENTITIES I
through X, inclusive,

Defendants.

Case No.:

PETITION FOR REMOVAL

Defendant Officer Jazmina Flanigan (Officer Flanigan) hereby removes the action entitled *Bonnie Lopez, et al. v. The State of Nevada ex rel. Nevada Department of Corrections, et al.*, case no. A-20-814296-C in the Eighth Judicial District of Clark County, Nevada, to the United States District Court for the District of Nevada. Removal of this action is made pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. The specific grounds for removal are:

1. Removal is timely under 28 U.S.C. § 1446(b). A notice of removal may be filed within thirty days after receipt, by service or otherwise, by a defendant of a summons and the

1 complaint. 28 U.S.C. § 1446(b). The removal deadline does not begin to run until a summons is
2 served. *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347–48 (1999). Officer
3 Flanigan was served with a summons and a copy of the complaint on May 19, 2021. The Complaint
4 is attached hereto as Exhibit A and the Declaration of Service is attached hereto as Exhibit B. Thirty
5 days has not lapsed since Officer Flanigan was served with the Complaint.

6 2. Written notice of the filing of this petition for removal will be served and a copy will
7 be filed with the clerk of the Eighth Judicial District Court of Clark County, Nevada, promptly after
8 this petition for removal is filed, as required by 28 U.S.C. §1446(d).

9 3. All Defendants have agreed to this removal.

10 4. Based on the foregoing, Officer Flanigan removes this action now pending in the
11 Eighth Judicial District Court of Nevada, as Case No. A-20-814296-C, to this Court.

12 WHEREFORE, the District of Nevada has subject matter jurisdiction over the state action.

13 DATED June 18, 2021.

14 MCNUTT LAW FIRM, P.C.

15 /s/ Dan McNutt

16 Daniel R. McNutt, Esq., Bar No. 7815

17 Matthew C. Wolf, Esq., Bar No. 10801

18 625 South Eighth Street

19 Las Vegas, Nevada 89101

20 Counsel for Defendant Officer Jazmina Flanigan

CERTIFICATE OF SERVICE

The undersigned is an employee of McNutt Law Firm, P.C. and certifies that under Fed. R. Civ. P. 5, on June 18, 2021, I served a true and correct copy of **PETITION FOR REMOVAL** by mailing a copy by United States Postal Service, postage prepaid, via email, or via electronic mail through the United States District Court's CM/ECF system's E-Filing system to the e-mail addresses provided on the e-service list.

/s/ Lisa Heller
An Employee of McNutt Law Firm, P.C.